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## NOTICE OF ALLOWANCE AND FEE(S) DUE

85197

7590

02/17/2010

Wong Cabello Lutsch Rutherford & Brucculeri LLP  
20333 Tomball Parkway, 6th Floor  
Houston, TX 77070

EXAMINER

WON, MICHAEL YOUNG

ART UNIT

PAPER NUMBER

2455

DATE MAILED: 02/17/2010

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/767,405      | 01/29/2004  | Santosh Shanbhag     | 112-0136US          | 2871             |

TITLE OF INVENTION: ISOLATION SWITCH FOR FIBRE CHANNEL FABRICS IN STORAGE AREA NETWORKS

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 05/17/2010 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
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**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or Fax **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

85197 7590 02/17/2010

**Wong Cabello Lutsch Rutherford & Brucculeri LLP**  
 20333 Tomball Parkway, 6th Floor  
 Houston, TX 77070

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

|                    |
|--------------------|
| (Depositor's name) |
| (Signature)        |
| (Date)             |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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|------------|------------|------------------|------------|------|
| 10/767,405 | 01/29/2004 | Santosh Shanbhag | 112-0136US | 2871 |
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**TITLE OF INVENTION: ISOLATION SWITCH FOR FIBRE CHANNEL FABRICS IN STORAGE AREA NETWORKS**

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| EXAMINER           | ART UNIT | CLASS-SUBCLASS |
|--------------------|----------|----------------|
| WON, MICHAEL YOUNG | 2455     | 709-223000     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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| 85197  | 7590        | 02/17/2010           | EXAMINER            |                  |
| Wong Cabello Lutsch Rutherford & Brucculeri LLP<br>20333 Tomball Parkway, 6th Floor<br>Houston, TX 77070 |             |                      | WON, MICHAEL YOUNG  |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2455                |                  |

DATE MAILED: 02/17/2010

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 933 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 933 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

# Notice of Allowability

## Application No.

10/767,405

## Examiner

MICHAEL Y. WON

## Applicant(s)

SHANBHAG ET AL.

## Art Unit

2455

### - The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Terminal Disclaimer filed December 30, 2009 and Interview conducted on January 4, 2010.

2. ☒ The allowed claim(s) is/are 1-117.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_.

/Michael Won/  
Primary Examiner  
February 10, 2010

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Keith Lutsch (Reg. No. 31,851) on January 4, 2010.

3. The application has been amended as follows:

1. **(Currently Amended)** A data switching device for connecting to a series of nodes and to a first fabric, the data switching device comprising:  
a plurality of fabric ports for coupling to the series of nodes;  
at least one node port for connecting to the first fabric; and  
a switch coupled to said plurality of fabric ports and said at least one node port for interconnecting said ports (see col.10, claim 1).

9. **(Currently Amended)** A Fibre Channel switch for connecting to a series of nodes and to a first fabric, the Fibre Channel switch comprising:  
a plurality of F\_\_ports for coupling to the series of nodes;  
at least one N\_\_port for connecting to the first fabric; and

a switch circuit coupled to said plurality of F\_\_ports and said at least one N\_\_port for interconnecting said ports (see col.10-col.11, claim 5).

17. **(Currently Amended)** A network comprising:

a series of nodes;

a first fabric; and

a data switching device connected to said series of nodes and to said first fabric, said data switching device including:

a plurality of fabric ports coupled to said series of nodes;

at least one node port connected to said first fabric; and

a switch coupled to said plurality of fabric ports and said at least one node port for interconnecting said ports (see col.11, claim 9).

28. **(Currently Amended)** A network comprising:

a series of nodes;

a first fabric; and

a Fibre Channel switch connected to said series of nodes and to said first fabric, said Fibre Channel switch including:

a plurality of F\_\_ports coupled to said series of nodes;

at least one N\_\_port connected to said first fabric; and

a switch circuit coupled to said plurality of F\_\_ports and said at least one N\_\_port for interconnecting said ports (see col.11, claim 16).

39. **(Currently Amended)** A network comprising:
- a series of nodes, each having two ports;
  - a first fabric; and
  - two data switching devices, each connected to one port of each of said series of nodes and to said first fabric, each said data switching device including:
    - a plurality of fabric ports coupled to said one port of said series of nodes;
    - at least one node port connected to said first fabric; and
    - a switch coupled to said plurality of fabric ports and said at least one node port for interconnecting said ports (see col.12, claim 23).
50. **(Currently Amended)** A network comprising:
- a series of nodes, each having two ports;
  - a first fabric; and
  - two Fibre Channel switches connected to one port of each of said series of nodes and to said first fabric, each said Fibre Channel switch including:
    - a plurality of F\_ports coupled to said one port of said series of nodes;
    - at least one N\_port connected to said first fabric; and
    - a switch circuit coupled to said plurality of F\_ports and said at least one N\_port for interconnecting said ports (see col.12, claim 30).
61. **(Currently Amended)** A network comprising:

a series of nodes, each having two ports;  
first and second fabrics; and  
two data switching devices, each connected to one port of each of said series of nodes and to said first and second fabrics, each said data switching device including:  
a plurality of fabric ports coupled to said one port of said series of nodes;  
two node ports, one connected to each of said first and second fabrics;  
and  
a switch coupled to said plurality of fabric ports and said two node ports for interconnecting said ports (see col.13, claim 37).

71. **(Currently Amended)** A network comprising:  
a series of nodes, each having two ports;  
first and second fabrics; and  
two Fibre Channel switches connected to one port of each of said series of nodes and to said first and second fabrics, each said Fibre Channel switch including:  
a plurality of F\_ports coupled to said one port of said series of nodes;  
two N\_ports, one connected to each of said first and second fabrics; and  
a switch circuit coupled to said plurality of F\_ports and said two N\_ports for interconnecting said ports (see col.13, claim 44).

81. **(Currently Amended)** A network comprising:  
a series of nodes, each having two ports;

first and second fabrics; and  
two data switching devices, each connected to one port of each of said series of nodes and to one of said first and second fabrics, each said data switching device including:

a plurality of fabric ports coupled to said one port of said series of nodes;  
two node ports connected to one of said first and second fabrics; and  
a switch coupled to said plurality of fabric ports and said two node ports for interconnecting said ports (see col.14, claim 51).

91. **(Currently Amended)** A network comprising:  
a series of nodes, each having two ports;  
first and second fabrics; and  
two Fibre Channel switches connected to one port of each of said series of nodes and to one of said first and second fabrics, each said Fibre Channel switch including:

a plurality of F\_\_ports coupled to said one port of said series of nodes;  
two N\_\_ports connected to one of said first and second fabrics; and  
a switch circuit coupled to said plurality of F\_\_ports and said two N\_\_ports for interconnecting said ports (see col.14-col.15, claim 58).

101. **(Currently Amended)** A method for routing between a series of nodes and a first fabric using a data switching device, the method comprising:

providing a plurality of fabric ports on the data switching device coupled to the series of nodes;

providing at least one node port on the data switching device connected to the first fabric; and

interconnecting said plurality of fabric ports and said at least one node port with the data switching device (see col.15-col.16, claim 65).

***Allowable Subject Matter***

4. Claims 1-117 are allowable over prior art of record in light of the Terminal Disclaimer filed December 30, 2009 to overcome and obviate an obvious-type double patenting, and in light of the Interview conducted on January 4, 2010.

5. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, teach, or suggest neither singly nor in combination the claimed limitation of "said data switching device comprising: a plurality of fabric ports for coupling to the series of nodes; at least one node port for connecting to the first fabric; and a switch coupled to said plurality of fabric ports and said at least one node port for interconnecting said ports" as recited in independent claim 1 and similarly recited in independent claims 9, 17, 28, 39, 50, 61, 71, 81, 91 and 101.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/  
Primary Examiner  
AU2455  
February 10, 2010